

**Town of Needham  
Military Leave Policy  
Personnel Administration #302**

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**1. PURPOSE AND SCOPE**

The purpose of this policy is to ensure that the rights of employees who are reservists, National Guard Members, or who leave Town service to enter the Armed Forces are balanced with the need of the Town to maintain essential services in an efficient manner.

**2. APPLICABILITY**

This policy applies to all full-time and permanent part-time General Government employees. Employees subject to Massachusetts Civil Service Laws and/or Collective Bargaining Agreements are subject only to those provisions in this policy which are not specifically regulated by Civil Service Laws or Collective Bargaining Agreements.

**3. DEFINITIONS**

Refer to the Section 8.3 of the Personnel By-law for the definition of commonly used words.

Active Duty            that period during which an employee is officially called up for military service and is subsequently unable to report to work.

Initial Active  
Duty Training        That training period completed by a reservist or National Guard member when he/she first joins the service.

Inactive Duty  
Training            That training performed by a reservist or National Guard member on an on-going basis such as weekend drills.

National Guard      An organized unit of the ready reserve of a State or Commonwealth jointly maintained by the federal or state government subject to the call of either.

Reserve Forces      An organized unit of the ready reserve of the Armed Forces of the United States of America: the Coast Guard, the Navy, the Marine Corps, the Army or the Air Force.

**4. POLICY**

4.1            Federal and state laws require that veterans and reservists be granted certain employment rights. The Town of Needham will comply with all applicable laws and regulations governing initial active duty for training, inactive duty training (such as weekend drills) and temporary and long term active duty.

- 4.2      Reserve Service      A full time or permanent part time employee who is a member of a state or federal military reserve unit shall be entitled to leave of absence from a permanent position for compulsory military service under orders for a period not to exceed seventeen (17) days per calendar year, with up to one normal working week of such leave to be with full regular straight-time pay for normally scheduled work hours
- 4.3      Active Duty      Military leave of absence without pay shall be granted to full time and permanent part time employees called under orders for active duty with the state or federal armed forces for compulsory service other than the annual reserve routine tour of duty.
- 4.4      Draft Board Appearances and Physicals      Leave without loss of regular straight time pay shall be granted to employees on occasion of their required appearance under orders before armed forces draft boards or for physical examinations required by such boards during normally scheduled work hours.

## **5. PROCEDURES**

### **5.1      General Procedures**

- 5.1.1      Full-Time and permanent part-time employees who are members of a state or federal military reserve unit or National Guard shall be entitled to a leave of absence from a permanent position for active duty for training or inactive duty training (drills).
- 5.1.2      Employees who resign from Town service for the purpose of entering Active Duty in the Armed forces of the United States shall be entitled to certain re-employment rights with the Town, in accordance with federal law.
- 5.1.3      All requests for military leave should be reported to the Personnel Director as soon as is administratively practicable.

### **5.2      Inactive Duty for Training/Drills**

- 5.2.1      Employees who are reservists or members of the National Guard may not be denied retention in, or any other advantage of, employment due to military obligations.
- 5.2.2      An employee who is required to report for inactive duty training must inform his/her department manager in the form of a written request for military leave. The reservist or National Guard member need not have written orders at the time of the request, but must eventually produce written documentation.
- 5.2.3      Reservists and National Guard members may not be forced to utilize his/her personal, vacation or other accumulated leave time for military training, unless he/she so chooses.
- 5.2.4      The Town will pay up to one week's regular salary per calendar year for inactive duty or active duty for training periods.
- 5.2.5      Earned benefits (such as sick leave, vacation, step raises) may be pro-rated for time off the payroll in accordance with Section 5.4 of this policy.

### **5.3      Active Duty for Training and Active Duty**

- 5.3.1 Initial active duty training, (which occurs when an employee first signs up to be a member of the reserves or National Guard), is treated in the same manner as regular active duty for the purposes of re-employment rights, except that after IADT the employee must apply for re-employment within 31 days, if he/she resigned rather than take a leave of absence for the initial active duty training.
- 5.3.2 Reservists and National Guard Members are sometimes called to perform regular active duty, voluntarily or involuntarily (e.g. on a short term, temporary basis during a blizzard, or on a long term mission in the event that the President of the United States "calls up" the reserves).
- 5.3.3 Except for emergency situations, employees called for active duty must request a military leave of absence, in writing, for the period of the leave, or may choose to resign. Employees who request a military leave of absence will be required to submit documentation as proof of active duty service as soon as is practicable.
- 5.3.4 Department managers should notify the Personnel Department when approving the military leave or in the event of the resignation of a reservist/National Guard member under orders.
- 5.4 Reinstatement and Retention
  - 5.4.1 An employee returning from military service is entitled to be re-hired within a reasonable period of time after applying to the Town of Needham.
  - 5.4.2 An employee returning from military service is entitled to the position that would have been attained but for the absence in military service. The exact job depends on collective bargaining agreements, personnel policies, changes in the nature of the work environment (e.g. layoffs) etc.
  - 5.4.3 An employee returning to service is entitled to be retained on the job for at least one year, unless discharged for cause or reached for layoff in accordance with a bargaining agreement or civil service procedure. A reservist returning from initial active duty for training is entitled to be retained on the job for six months.
  - 5.4.4 The returning employee is entitled to the pay-level that would have been attained if it had not been for military service. This includes cost of living adjustments and length of service increases (e.g. longevity), but not merit increases based on satisfactory performance, such as step raises.
  - 5.4.5 The employee is entitled to full credit for any job seniority lost as a result of military service. The length of service therefore includes: employment prior to military service; a reasonable time between leaving the job to enter military service and the date of entry into military service; the entire period of the military service; and the period between release from service and return to work. In some cases, the application of the seniority entitlement may be deferred until the employee has been re-employed for a period of time, in accordance with bargaining agreements and Civil Service Law.

- 5.4.6 The returning employee is entitled to retirement credit as if his/her employment had continued without interruption.
- 5.4.7 Reservists or National Guard members on Inactive Duty Training must report back to work for the next regularly scheduled work period after training ends.
- 5.4.8 It is unlawful to discriminate against a reservist or National Guard member as a result of his/her military obligations (e.g. lack of consideration for promotion, or discharge without just cause).

## 5.5 Re-employment Rights

- 5.5.1 Employees are entitled to re-employment for Active Duty service of not more than four years (five if extended at the request of the United States Government). Any service on Initial Active Duty for Training will not be included for the purposes of calculating the number of years of Active Duty Service.
- 5.5.2 The returning veteran or reservist must still be qualified to perform the duties of the position. An employee who is disabled during military service and who cannot perform the duties of the otherwise appropriate job may be entitled to the nearest comparable job he/she is qualified to perform.
- 5.5.3 The veteran or reservist must apply for re-employment within 90 days after separation from military service or from hospitalization continuing after separation for not more than one year.

## 5.6 Leave and Benefit Procedures Time spent on unpaid military leave of absence will effect the employee's length of continuous service for step increases and eligibility for leave and benefit accrual.

- 5.6.1 **Sick Leave Accrual** Employees who are on unpaid military leave of absence for more than five days in a calendar month shall not accrue non-occupational sick leave for that month.

## 5.6.2 **Health/Life Insurance**

5.6.2.2 Employees granted an unpaid military leave of absence for less than a complete calendar month may retain their health insurance at the current contribution rate. Employees who do not receive a paycheck for a particular week must pay the appropriate premium directly to the Town during the week that the deduction would have been made, had the employee been on the payroll.

5.6.2.3 Employees granted an unpaid military leave of absences for a complete calendar month must pay the full cost (100%) of the premium directly to the Town, one month in advance of coverage, in accordance with M.G.L. Chapter 32(B).

- 5.6.3 **Step Increases** An employee who is granted unpaid military leave of absence of more than ten days per fiscal year shall have his/her next satisfactory performance step date (if applicable) adjusted by the number of calendar days spent on unpaid leave.

- 5.6.4 **Longevity** Unpaid military leave of absence shall not affect an employee's continuous service for the purposes of longevity.
- 5.6.5 **Vacation** An employee who is granted unpaid military leave of absence five days in a calendar month shall have his/her vacation accrual pro-rated in accordance with the Town's vacation policy.